

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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PAMELA WAGNER	:	
	:	No.
VS.	:	
	:	<u>JURY TRIAL DEMANDED</u>
H. JAMES RIPPON ENTERPRISES	:	
d/b/a MCDONALD'S	:	

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CIVIL ACTION COMPLAINT

COMES NOW, Plaintiff, by counsel, and complains of  
defendant as follows:

JURISDICTION

1. This Court has jurisdiction over this matter pursuant to the 42 U.S.C. Section 2000(e) et seq. of the Civil Rights Act of 1964 as amended. This Complaint has been filed within 90 days after issuance of a Notice of Right to Sue by the EEOC.

PARTIES

2. Plaintiff, Pamela Wagner, is a female, and at all times relevant hereto, she resided at 1504 Creek Mountain Road, Selinsgrove, PA 17870.

3. Defendant, H. James Rippon Enterprises t/a McDonald's, is a corporation located at 427 Suedburg Road, P.O. Box 327, Pine Grove, PA 17963.

FACTS

4. Defendant employs 15 or more people.
5. Plaintiff worked for defendant between about August 1, 1981 and March 15, 2015.
6. The last position plaintiff held was General Manager.
7. During the relevant time period, plaintiff's supervisors included Milton Green (male Supervisor), and H. James Rippon (male owner/operator).
8. In late November 2014, Mr. Green poked plaintiff in the belly while she was on a ladder.
9. Plaintiff was very upset by this touching and she almost fell off the ladder.
10. All throughout December 2014, Mr. Green made constant sexual advances towards both verbally and by text message towards plaintiff.
11. All throughout December 2014, Mr. Green would ask plaintiff for kisses, talk about his private parts and make other sexual comments.
12. Specifically, on December 24, 2014 Mr. Green texted plaintiff "If [she] kiss[es] one of [his] lips, [she could] kiss the second one for free."

13. Plaintiff was very troubled by these text messages and sexual advances, but she took no action to complaint about them prior to January 1, 2015.

14. On December 31, 2014, Mr. Green touched plaintiff between her thighs while he sitting next to her at a computer terminal at the workplace.

15. On January 1, 2015, plaintiff reported the incidents of sexual harassment detailed above to Mr. Rippon.

16. Mr. Rippon performed an investigation and decided to keep Mr. Green out of the store most of January and February of 2015, but he informed plaintiff early on that Mr. Green would be returning to the store full-time by Mid-March 2015.

17. Shortly after being told that Mr. Green would return to the store in Mid-March 2015, plaintiff gave Mr. Rippon notice that she would be resigning as of March 15, 2015.

18. Mr. Rippon and plaintiff later agreed that plaintiff would leave on March 10, 2015.

19. Plaintiff thus was constructively discharged from her employment with the defendant as of March 10, 2015.

20. The defendant and its agents created a hostile work environment, which caused her to become constructively discharged from employment.

21. Mr. Green's actions in November and December 2014 met the threshold of serious and/or pervasive, because the regular

and pervasive incidents which occurred during December 2014, altered the terms and conditions of plaintiff's employment.

22. Plaintiff no longer felt happy or safe working with Mr. Green, and she dreaded having to continue to do so once he returned to the store in mid-March 2015.

23. Defendant's actions violated Title VII because plaintiff was harassed and discriminated against based upon her female gender.

24. Defendant is responsible for the actions of its agents, including Mr. Green, because he was plaintiff's supervisor.

25. Defendant and its agents undertook a course of conduct toward plaintiff and sexually harassed, discriminated against and caused her to be constructively discharged because she is a woman.

26. Plaintiff was subjected to humiliation, embarrassment, and mental anguish as a consequence of defendant's unlawful discrimination, sexual harassment and adverse employment action taken against me (i.e. constructive discharge).

27. Defendant unlawfully sexually harassed plaintiff, discriminated against her, and caused her to be constructively discharged in violation of Title VII.

28. Plaintiff suffered lost pay, benefits, compensatory damages for pain and suffering, punitive damages, attorney's fees and costs as a consequence of defendant's unlawful actions.

29. Defendant's agents acted against plaintiff in a bigoted, willful and malicious manner.

30. Plaintiff thus seeks damages, including but not limited to, lost pay, lost benefits, compensatory damages for pain and suffering, punitive damages, attorneys fees and costs.

#### COUNT 1—SEXUAL HARASSMENT

31. Plaintiff repeats paragraphs 1-30 as if more fully set forth herein.

32. By and through its conduct, Defendant violated Title VII of the Civil Rights Act of 1964 as amended, 42 U.S.C. Section 2000e, et seq., by intentionally discriminating against plaintiff by sexually harassing her because she is a woman.

#### COUNT 2—CONSTRUCTIVE DISCHARGE

33. Plaintiff repeats paragraphs 1-32 as if more fully set forth herein.

34. By and through its conduct, Defendant violated Title VII of the Civil Rights Act of 1964 as amended, 42 U.S.C. Section 2000e, et seq., by constructively discharging her

employment due to a sexually hostile work environment because she is a woman.

WHEREFORE, Plaintiff demands judgment on Counts 1 and 2 against defendant and damages in an amount to be determined by a jury for lost pay and benefits, pain and suffering, emotional distress, mental anguish, harm to reputation, punitive damages, costs, reasonable attorney's fees, the amount of taxes due on any award, and such other relief as the Court deems just and fair.

Date: February 8, 2016

/s/ Samuel A. Dion

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